

REMARKS

Reconsideration of this application, as amended, is requested.

Claims 3-6 remain in the application. Claim 3 is the only independent claim and has been amended to define the invention more clearly. Claim 4 has been amended to achieve the proper dependency. New dependent claims 5 and 6 have been added.

The new subparagraph of amended claim 3 that recites the step of "attaching fastening members to an inner surface of said front stretchable multilayer member at both sides of said cutting line has support in paragraph 0089 of the published application and also in FIGS. 7A-10D. The Amendment to claim 3 pertaining detachably engaging a front end portion of said absorbent body with said fastening member attached to said front stretchable multilayer member so that the front end portion of said absorbent body is in opposed facing relationship to said cutting line has clear support in paragraph 0092 of the published application and in FIGS. 7A-10D.

The Examiner correctly noted that the specification included the reference numeral 10, but that reference numeral 10 was not shown in the drawings. Accordingly, the Examiner requested corrected drawings to show the reference numeral 10.

The reference numeral 10 mentioned in the specification referred to the cutting line. The cutting line had been referred to elsewhere throughout the specification with the reference numeral 18. Hence, the one mention of the cutting line 10 was inadvertent and should have mentioned the cutting line 18 as at other locations in the specification. The specification has been corrected in this regard. The drawing revisions are not required in view of the amendment to the specification.

Claim 4 has been amended to achieve proper dependency and to address the objection in the office action.

Original claims 3 and 4 were rejected under 35 USC 103(a) as being obvious over U.S. Patent No. 5,766,389 to Brandon et al. considered in view of WO 01/13848. The Examiner stated that the Brandon et al. reference teaches continuously feeding the front stretchable multilayer member and a rear stretchable multilayer member. Brandon et al. then was considered to teach providing a continuously moving first layer including a plurality of components and providing a continuously moving second layer including a plurality of components. The Brandon et al. reference then was considered to disclose bonding a rear end portion of the absorbent body to the rear stretchable multilayer member and superimposing the continuously moving layers over one another. The front stretchable multilayer member of Brandon et al. and the rear stretchable multilayer member of Brandon et al. were considered to be located on opposite sides of the absorbent body. The Examiner then concluded that the Brandon et al. reference teaches joining portions of the superimposed multilayer members to be formed as lateral edges of the disposable wearing article. The Examiner acknowledged that the Brandon et al. reference does not teach forming at least one cutting line in the front stretchable multilayer member or the use or installation of a detachable engaging fastening system. However, the Examiner turned to the Freiburger et al. reference in an effort to address this deficiency. In this regard, the Examiner concluded that the Freiburger et al. reference shows at least one cutting line in a front stretchable member.

Claims 3 and 4 also were rejected under 35 USC 103(a) as being obvious over the above-described Brandon et al. reference considered in view of JP 05-317356 to

Takamitsu et al. The relevancy of Brandon et al. in this rejection was essentially the same as the relevancy as applied in the Brandon et al./Freiburger et al. rejection. Once again, the Examiner acknowledged that the Brandon et al. reference does not teach a cutting line in the front stretchable member or the use or installation of a detachable engaging fastening system. However, the Examiner turned to Takamitsu et al. in an effort to overcome this admitted deficiency of Brandon et al.

The applicant concurs with the Examiner's conclusion regarding the deficiencies of the Brandon et al. reference. In this regard, the Brandon et al. reference has no suggestion of a cutting line or a step of forming at least one cutting line in a front stretchable multilayer member of a disposable wearing article.

It is submitted, with respect, that neither of the secondary references overcomes the deficiencies of Brandon et al. when applied to the amended and new claims. In this regard, the Freiburger et al. reference relates to a disposable wearing article with an absorbent body 96 shown most clearly in FIGS. 2-4 and 6 of Freiburger et al. The absorbent body 96 of Freiburger et al. is surrounded by a liquid permeable layer 94 that will face the wearer and by a liquid-impermeable baffle 100 that will face away from the wearer, as shown in FIG. 6. This aspect of Freiburger et al. is explained on pages 10 and 11. The Freiburger et al. reference also has a fastener 54 with a hook component 56 and a loop component 58. As shown most clearly in FIG. 2, one of the hook and loop components 56, 58 is secured to the first and second lateral sections 34 and 36 of the front portion 12. The other of the hook and loop components 56, 58 is secured to the liquid impermeable layer that covers the outwardly facing surface of the absorbent body 96. The Freiburger et al. reference also has breakable bonds 46 that extends centrally through the

hook and loop components 56, 58 as shown in FIG. 2. The hook and loop components 56, 58 of Freiburger et al. extend continuously between the absorbent body 96 and the lateral sections 34 and 36.

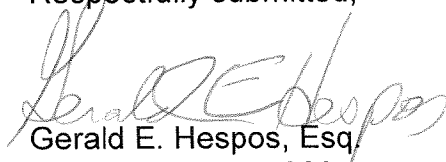
In contrast to the hypothetical Brandon et al. and Freiburger et al. combination, the method defined by amended claim 3 now positively recites the step of "forming at least one cutting line in said front stretchable multilayer member; attaching fastening members to an inner surface of said front stretchable multilayer member at both sides of said cutting lines;" and "detachably engaging a front end portion of said absorbent body with said fastening members attached to said front stretchable multilayer member so that the front end portion of said absorbent body is in opposed facing relationship to said cutting line." The claimed step of "detachably engaging a front end portion of said absorbent body with said fastening members attached to said front stretchable multilayer member so that the front end portion of said absorbent body in opposed facing relationship to said cutting line" achieves significant manufacturing efficiencies, as shown in FIG. 11 and usage efficiencies by facilitating the separation of the front stretchable multilayer member along the cutting line and between the fastening members that are on both sides of the cutting line. This distinguishes from the Freiburger et al. reference, which requires the separation at the breakable bonds 46 to be carried out at areas that are securely attached by the hook and loop components 56, 58. The invention defined by new claim 6 distinguishes even more clearly from Freiburger et al. and defines the fastening members on the front stretchable multilayer member to be spaced from each other and from the cutting line to facilitate separation at the cutting line to enable temporary removal of the wearing article in the urgent situation referred to at several locations throughout the

specification. The Freiburger et al. reference has no suggestion of this aspect of the invention. Accordingly, it is submitted that the invention defined by the amended and new claims is not taught or suggested by the hypothetical combination of Brandon et al. and Freiburger et al.

The Takamitsu et al. reference is removed even further from the invention. Cutting line 9B of Takamitsu et al. is at one lateral extreme of the disposable wearing article and does not appear to be on the Takamitsu et al. equivalent of the claimed stretchable multilayer member. Accordingly, the Takamitsu et al. reference has no suggestion of attaching fastening members to an inner surface of said front stretchable multilayer member at both sides of the cutting line and certainly no suggestion of "detachably engaging a front end portion of said absorbent body with the fastening members attached to said front stretchable member so that the front end portion of said absorbent body is in opposed facing relationship to said cutting line."

In view of the preceding amendments and remarks, it is submitted that the claims remaining in the application are directed to patentable subject matter and allowance is solicited. The Examiner is urged to contact applicant's attorney at the number below to expedite the prosecution of this application.

Respectfully submitted,



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